

PS 8  
(5/05)

**UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS**

United States of America

vs.

David Smerling

Docket No. 0101 1:25CR10037-RGS-1

**PETITION FOR ACTION ON CONDITIONS OF PRETRIAL RELEASE**

The undersigned U.S. Probation and Pretrial Services Officer presents this report regarding defendant David Smerling , who was placed under pretrial release supervision by the Honorable Jennifer Boal, on 1/14/2025 under the following conditions:

1. The defendant must not violate federal, state, or local law while on release.
2. The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
3. The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.
4. The defendant must report to U.S. Probation and Pretrial Services as directed.
5. The defendant must surrender any passport to U.S. Probation and Pretrial Services
6. Travel is restricted to the District of Massachusetts
7. The Defendant is to avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, unless in the presence of counsel. List provided by AUSA.
8. The defendant not to possess a firearm, destructive device, or other weapon.
9. Not to engage in an occupation, business or profession that would provide you access to other's monetary accounts or financial information. Defendant has two weeks to transition financial management of relative to another person.
10. Participate in mental health treatment, which may include addiction counseling as determined by clinician

And respectfully seeks action by the Court and for cause as follows:

On 5/8/2025, the government filed a motion for Revocation of Order of Release for Mr. David Smerling. The government has alleged that there is probable cause to believe David Smerling has committed a federal, state, or local crime while on release, including Larceny by Embezzlement, in violation of M.G.L Ch. 266 § 30, Wire Fraud, in violation of 18 U.S.C. § 1956(a)(1)(B)(i). Additionally, they have alleged that there is clear and convincing evidence Mr. Smerling violated the conditions of his release that he refrain from engaging in an occupation, business or profession that would provide you access to other's monetary accounts or financial information. Specifically, the government has learned that during the two weeks in which Mr. Smerling was to transition his financial power of attorney for his wife's relative ("Victim C") to someone else, he embezzled

substantial sums from her accounts and remains the power of attorney with control of her financial accounts, and additionally remains the trustee of a trust set up for the benefit of a fourth victim (“Victim D”).

On 1/28/25, Defense counsel Jimenez provided our office with verification of his transfer of financial management of relative to three other individuals. No further information has been provided since January.

While this petition has been filed Ex Parte, a copy of the petition has been provided to the Assistant U.S. Attorney and defense counsel.

**Petition for Action on Conditions of Pretrial Release**

PRAYING THE COURT WILL:

- Issue a warrant.
- Issue a summons for the defendant to appear for a show cause hearing.
- Other:

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: 5/9/2025

Place: Worcester, Massachusetts

*Camila Cordoba*

Date: 5/9/2025

Camila Cordoba  
U.S. Probation Officer

ORDER OF COURT

- Warrant to issue.
- Summons to issue. Clerk to schedule show cause hearing.
- Other:

Considered and ordered and ordered filed and made part of the record in the above case.

*JPC/Bd* 5/9/25  
Judicial Officer